Exploring opportunities for the National Marine Fisheries Service to preserve, maintain, and enhance working waterfronts

Ideas and discussion topics generated at the National Working Waterfronts & Waterways Symposium, March 25-28, 2013

Background

The policy and regulatory decisions made by the National Marine Fisheries Service (NOAA Fisheries) directly and indirectly affect coastal communities and working waterfronts (Appendix 1). The Marine Fisheries Advisory Committee (MAFAC) convened a four-person panel at the National Working Waterfronts & Waterways Symposium in Tacoma, Washington to explore ways NOAA Fisheries can support the preservation, maintenance, and enhancement of working waterfront for commercial and non-commercial fishing activities as coastal communities deal with a range of social, economic, environmental, and regulatory challenges. The four speakers represented commercial fishing, recreational fishing, aquaculture, and habitat conservation perspectives. A short biography of each speaker is provided in Appendix 2. The outcomes of the discussion, presented below, serve to inform MAFAC as it deliberates on ways NOAA Fisheries and the Department of Commerce can improve the viability of national working waterfronts.

Panel Presentations

The National Working Waterfronts & Waterways Symposium brought together a diverse set of perspectives on working waterfronts. The 90-minute panel focused narrowly on NOAA Fisheries and how it should support commercial and non-commercial fishing activities associated with working waterfronts. The goal of this panel was to think forward, not look at current activities, but what the agency could do in the future.

A short description of each presentation follows:

I. Recreational charter boat operator – *Johnny Williams, Galveston, Texas*

Recreational fishing is an integral component of many working waterfronts and a major economic driver for coastal communities around the country. Along the Texas coast, the charter boat fleet is an economic cornerstone for the region. Not only does it support the tourism industry, it also underpins a wide range of ancillary businesses that sell fuel, repair boats, provide advertising, rent slips, and distribute fishing licenses. The long-term viability of the charter boat fleet and these associated businesses depend on a number of factors, none more important than a sustainable supply of fisheries.

One way NOAA Fisheries can support working waterfronts is by effectively incorporating social and economic factors into rebuilding timelines for fisheries. Extending the rebuilding periods for

certain fisheries may help resource-dependent interests, including the charter boat fleet, remain more viable during the rebuilding periods. The Gulf of Mexico red snapper fishery highlights the challenge for charter boat operators when Councils and NOAA Fisheries attempt to rebuild fisheries too rapidly. Due to historic overfishing, the red snapper season is only a remnant of what it has been in the past. In 2012, the fishing season was only 46 days. This low number has pushed many operators out of business. To address this problem, a sector of the fleet is developing a limited entry catch share program. The catch share would grant quota to individual operators, whereby giving quota-holding individuals more flexibility in terms of when and where they operate. This action could extend the season for those with quota. However, it will likely reduce the overall size of the fleet, subsequently reducing the region's need for other working waterfront businesses.

Extending rebuilding periods indefinitely is not an option, but having more time to rebuild stocks may enable higher annual catch limits, in turn supporting greater numbers of charter boat operators and a more functioning working waterfront. Having adequate socioeconomic assessments are key to balancing biological and socioeconomic needs of fisheries and determining rebuilding times that meet the needs of communities and achieve the same conservation goals. In the Magnuson-Stevens Act, there are ten national standards. The standards lay out the framework for the nation's approach to sustainable fisheries that recognize the need for healthy stocks, quality science, and functional coastal communities. National Standard 8 deals most directly with the needs of communities, but it is often treated as secondary to National Standard 1. The agency should invest in better understanding the socioeconomics of the nation's fisheries and use this information to better inform rebuilding strategies that support working waterfronts and healthy fish stocks.

Presentation: None

II. Commercial fishing, small-boat operator – *Linda Behnken, Sitka, Alaska*

Defined broadly, working waterfront is both physical infrastructure and the fishermen and fishing communities that utilize coastal and marine resources. Understood in this way, working waterfronts can be linked to the cultural, environmental, and economic well-being of coastal states. In Alaska alone, the commercial fishing sector contributes $7.7 billion to the state's economy per annum. The fishing industry depends on both productive fisheries and a regulatory structure that encourages stewardship, diversification, and participation in fisheries by local residents. For the past 10 years, NOAA Fisheries and the Councils have focused on rebuilding fisheries. This focus has achieved important conservation goals and remains paramount—healthy fish stocks and healthy habitat are essential to healthy working waterfront. Without compromising resource objectives, the agency should pay greater attention to the socioeconomic effects of policy and regulation on the fishery dependent communities that are the heart of the working waterfront.

Alaska's communities face a number of threats to their working waterfront, including the following:

1) *Fleet consolidation* – Time and experience has shown that the conservation and management benefits associated with limited entry and catch share programs can be achieved with only limited consolidation of the fleet and limited consolidation of access privileges. With access issues settled and a rational framework for fishing that eliminates the race for fish, in most cases the resource can support a relatively large fleet and a healthy working waterfront.
2) *Rising access costs* – Fishing is a risky business in every dimension (e.g. fish stocks fluctuate, markets fluctuate). To address risk, fishermen have historically diversified. However, the current fleet of vessels on the U.S. West Coast and in Alaska is less diverse than at any point in the past 30 years. Diversification can substantially reduce the variability of income and help stabilize the commercial fishing fleet.
3) *Socioeconomic effects analysis* – Current regulatory analysis misses differential impacts between large and small fishing operations and it also misses impacts to communities/working waterfront. As a result, mitigating policy alternatives are often overlooked (e.g. humans vs. electronic monitoring).

To address these challenges, NOAA Fisheries can help build a regulatory environment that supports working waterfront by:

1) Recognizing narrowly defined "economic efficiency" compromises long-term socioeconomic health of fishing communities and their associated working waterfronts. The agency can design policies that provide a healthy-sized industry access to a productive resource. More specifically, the agency should work with Councils to ensure explicit objectives to control consolidation and effective regulations that define excessive shares are built into all FMPs, particularly limited entry or catch share programs.
2) Developing policies that support diversified fishing operations and provide management alternatives scaled to meet the needs of the small, community-based fishing fleets. These policies should reduce emphasis on regulatory solutions and foster performance based solutions instead, where stakeholders can identify alternatives to meet management objectives using adaptive solutions, exempted fishing permits, and cooperative research. This includes strategies that support independent community-based fishermen, anchor permits or quota in communities, and control the cost of entry.
3) Developing analytical frameworks that capture differential impacts between large and small operations and impacts to communities. This includes baseline data to support these analyses such as community profiles, employment profiles (including crewmembers and processing workers), and net revenue data.

Presentation: Strengthening the Working Waterfront (Appendix 3)

III. Aquaculture producer – *Sebastian Belle, Maine Aquaculture Association*

The demand for seafood globally far exceeds the supply of wild caught product. In the United States, more than 90% of seafood is imported, creating a trade deficit of more than $10 billion. There are many reasons why this deficit exists. In Maine, one of the major challenges is increased competition for waterfront property. This trend is expected to continue, causing increased displacement of traditional socioeconomic groups based on extractive natural resource

exploitation. Another challenge is access to the resource. For example, the number of lobster permits in the Maine lobster fishery is in decline, because current regulations make it difficult for new entrants to enter the fishery.

The atrophy of Maine's commercial fishing sector raises an important question: where does aquaculture fit? The first permit in the state was granted in 1974. Today, there are over 20 species of plants and animals that are produced on more than 90 standard leases, 13 experimental leases, and with 96 limited purpose licenses that collectively generate $198 million per year in the state. While the role of aquaculture is still being defined, it clearly represents an important tool to help support working waterfronts.

NOAA Fisheries could support working waterfront by overtly stating that economically viable and resilient working waterfronts serve a vital national interest and should be a high priority. Further, the agency should recognize that working waterfronts are dependent on access to natural resources, and sustainable management of these resources is necessary for viable working waterfronts. In order to preserve these places, a suite of economic development and historic preservation tools exist, including: economic development zones, tax incentives programs, model comprehensive plans that prioritize working waterfront development and preservation, investment incentive programs, and community block grants.

The agency can further support working waterfronts by:

1) Adequately funding national aquaculture development programs.
2) Conducting carefully designed marine stock enhancement programs.
3) Developing a national exemption to fishery management plans for aquaculture.
4) Removing aquaculture management from fishery management council jurisdiction.
5) 5. Removing aquaculture from the Magnuson-Stevens Act.

Presentation: Maine Aquaculture: Locally Grown, Sustainable, Healthy Seafood (Appendix 4)

IV. Habitat conservation and restoration coordinator – *Jennifer Steger, Northwest and Alaska Region NOAA Restoration Center*

Healthy habitats sustain resilient and thriving marine resources and communities. One way NOAA Fisheries is supporting habitat conservation and restoration is through the NOAA Habitat Blueprint. The Habitat Blueprint is a framework for NOAA to think strategically across programs and with partner organizations to address the growing challenges of coastal and marine habitat loss and degradation. The agency's Restoration Center is another catalyst of conservation. Within the Restoration Center, the Community-based Restoration Program has worked to restore 100,000 acres of habitat. The Restoration Center's Damage Assessment Remediation and Restoration Program (DARRP) is a third example of how NOAA is supporting conservation efforts. Through the DARRP program, the agency has invested $2.3 billion in 258 sites across the U.S. These efforts create job opportunities for the recreational and commercial fishing sectors as well as for restoration and ecotourism related activities. They also create public access opportunities and provide critical habitat for fish stocks.

NOAA Fisheries can support working waterfront by:

1) Strengthening the link between habitat conservation and restoration and working waterfronts by better aligning habitat restoration programs with fisheries recovery and production.
2) Continuing to identify opportunities to streamline the regulatory process for sustainable development and business activities.
3) Working with fishing communities to advocate for coastal wetland inclusion in local watershed plans, as well as a nationwide permit for living shorelines.

Summary by the Moderator, Keith Rizzardi. During these proceedings, one recreational fishing representative noted the powerful economic impact of the industry, but warned of losing access due to inadequate data and rigid rebuilding process. A voice for commercial fishing echoed those types of concerns, warning that the existing regulations incentivize industry consolidation, noting the need for better access, and improved baseline data. An aquaculture explained how the global demographics demand food, and aquaculture creates a viable alternative to commercial fishing in coastal communities, requiring new attention and investment. Finally, an expert in habitat restoration noted that more habitat means more fish, and encouraged investment and implementation of the Habitat Blueprint as a tool to enhance fishery.

These presentations contained many overlapping themes, among them (1) DATA & METHODS and the desire for more precision in socio-economic data to support regulatory decision making; (2) THE FEDERAL FAMILY, expressing the need for improved coordination between federal agencies, especially on strategically locating mitigation; and (3) NOAA OUTREACH, encouraging enhanced federal outreach to and communication with state and local governments and stakeholders. Notably, all of these themes are found in the National Ocean Policy, too. But underlying all of these issues is the continuing tension between National Standard 1 and National Standard 8, and in particular, the statutory directive to take into account the importance of fishery resources to fishing communities, to utilize economic and social data that are based upon the best scientific information available, to provide for sustained participation of such communities; and to the extent practicable, minimize adverse economic impacts on such communities.

Finally, it was noted in the discussion that the National Working Waterfronts Network has produced a Working Waterfronts Toolkit, funded by SeaGrant, with a lengthy set of recommendations related to Stakeholder Engagement; Financing; Land Conservation, Transfer & Acquisition; Mapping, Inventory, Study; Planning, Policy & Regulation; Taxation; and Zoning – all to benefit working waterfronts.

Presentation: Habitat Works for Waterfronts (Appendix 5)

Appendix I. An Analysis of NOAA Fisheries' direct and indirect involvement in Working Waterfronts

NOAA Fisheries recognizes the inherent connection between working waterfront and fisheries related activities. The Office of Policy recently analyzed the ways in which NOAA Fisheries is directly and indirectly investing in working waterfront. See presentation below.

Appendix II. Panel Bios

Keith Rizzardi, Chair, Marine Fisheries Advisory Committee (Moderator)
Keith Rizzardi is Chairman of the Marine Fisheries Advisory Committee, a federal committee that advises the Secretary of Commerce on matters related to living marine resources. A law professor at St. Thomas University, he teaches administrative law, environmental law, professional ethics, and negotiation. Previously, he served as legal counsel to the U.S. Department of Justice and the South Florida Water Management District, and he has litigated dozens of disputes over endangered species, fisheries management, and water law from the Florida Everglades to the South Pacific. Board Certified by The Florida Bar in State and Federal Administrative Law, Keith twice served as Chair of The Government Lawyer Section, and volunteers as an Ombudsman for the Department of Defense, resolving human resource disputes between military service members and their civilian employers. His recent article, *The Duty to Advise the Lorax*, published in William & Mary Environmental Law & Policy Journal, discusses the ethical duty of a lawyer to advise clients of the risk that public interest advocacy can trigger reform of environmental laws.

Johnny Williams, Owner, Williams Boat Service, LLC
John Williams is a 3rd generation party boat operator in Galveston Texas. He graduated from Ball High School in Galveston Texas in 1967. He received his Associates Degree from Galveston College in 1969, then went on to earn his BBA at Lamar University in 1971 and his MBA from Southern Methodist University (SMU) in 1973. Mr. Williams has been a captain for over 40 years. He is a past member of the Gulf of Mexico Fishery Management Council (GMFMC) Reef Fish Advisory Panel (AP) and past chairman of the GMFMC Red Snapper AP.

Linda Behnken, Executive Director, Alaska Longline Fishermen's Association (ALFA)
Linda Behnken has a BA from Dartmouth College and a Masters in Environmental Science from Yale University. She has been a commercial fisherman in Alaska since 1982, and has served as the Executive Director of ALFA since 1991. Linda served on the North Pacific Fishery Management Council (NPFMC) from 1992-2001, and co-chaired the NPFMC's Essential Fish Habitat Committee. Ms. Behnken was awarded the National Fisherman Highliner award in 2009 for her work promoting healthy marine ecosystems and strong coastal communities, and was the keynote speaker at the 2009 Young Fishermen's Summit in Anchorage, Alaska. ALFA is based in Sitka, Alaska and has members from the Alaska communities of Sitka, Juneau, Haines, Port Alexander, Wrangell, and Petersburg, as well as members who winter in Oregon, Washington, and Idaho.

Sebastian Belle, Executive Director, Maine Aquaculture Association
Sebastian Belle began his career as a commercial fisherman, working his way through university as a mate on offshore lobster boats. Currently, Mr. Belle is the Executive Director of the Maine Aquaculture Association, a private non-profit association representing Maine shellfish and finfish growers. Mr. Belle sits on the National Organics Standards Board Aquaculture Task Force, the Standards Oversight Committee of the Global Aquaculture Alliance, and the Boards of Directors for the USDA Northeast Regional Aquaculture Center and the International Salmon Farmers Association. Prior to joining the Maine Aquaculture Association, Mr. Belle was the state aquaculture coordinator working for the Maine Department of Marine Resources and managed commercial salmon and tuna farms. Mr. Belle holds degrees in fisheries biology and agricultural economics and has served as a technical consultant and manager on over 20 commercial aquaculture ventures in nine countries. Mr. Belle has authored numerous articles and several book chapters on the development

and implementation of best management practices and risk control programs on commercial aquaculture operations. In addition to his role as the Maine Aquaculture Association's Executive Director, Mr. Belle is President of Econ-Aqua, a consulting firm specializing in aquaculture project design, operations management, financial due diligence, and risk analysis and control.

Jennifer Steger, Supervisor, Northwest and Alaska Region NOAA Restoration Center
Jennifer Steger is an Ecologist and the Northwest & Alaska Regional Supervisor for the NOAA Fisheries Restoration Center housed in the Office of Habitat Conservation. She has Bachelor degrees is Biology and Chemistry from Immaculata University and a Master's Degree in Environmental Science and Geography from the University of Connecticut. Jennifer worked as an environmental consultant until joining the NOAA Corps in 1990 serving as a Lieutenant and navigation officer for three NOAA ships including the MILLER FREEMAN, WORTHY, and on the last Antarctic cruise of the NOAA Ship SURVEYOR. She joined the Restoration Center in 1994 as a project manager, ecologist, and case manager and has since facilitated habitat restoration in the Northwest and Alaska region through community partnerships and settlement negotiations with potentially responsible parties. Under Jen's tenure, the Northwest and Alaska Regions have grown to a staff of 14, and has resulted in dozens of settlements and 10s of thousands of acres of habitat restoration. Jen is married and lives in Issaquah Washington with her husband and two sons. She is an avid runner and believes she has grown up into her dream job with NOAA Fisheries Restoration Center.

Appendix 3 - Strengthening the Working Waterfront
Appendix 4 - Maine Aquaculture: Locally Grown, Sustainable, Healthy Seafood
Appendix 5 - Habitat Works for Waterfronts